

PHILLIP A. TALBERT  
United States Attorney  
JESSICA A. MASSEY  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
LUIS NOE HERNANDEZ ROJO,  
  
Defendant.

CASE NO. 1:21-CR-00027-JLT-SKO  
  
STIPULATION TO VACATE STATUS  
CONFERENCE, SET CHANGE OF PLEA, AND  
EXCLUDE TIME UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: February 15, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant Luis Noe Hernandez Rojo, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on February 15, 2023.
2. By this stipulation, defendant now moves to vacate the status conference and set a change of plea on March 20, 2023, and to exclude time between February 15, 2023, and March 20, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes numerous reports, photographs, and recordings. The government has provided discovery and/or has made discovery available to counsel for review. The government is aware of its ongoing discovery obligations.

1           b) Counsel for defendant desires additional time to consult with their client, review  
2 the current charges, conduct investigation, review/copy discovery, discuss potential resolutions  
3 with their client, prepare pretrial motions, and/or to otherwise prepare for trial.

4           c) Counsel for defendant believes that failure to grant the above-requested  
5 continuance would deny them the reasonable time necessary for effective preparation, taking into  
6 account the exercise of due diligence.

7           d) The government does not object to the continuance.

8           e) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendants in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11           f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of February 15, 2023, to March 20,  
13 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15 of the Court's finding that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendant in a speedy trial.

17       4. Nothing in this stipulation and order shall preclude a finding that other provisions of the

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Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 1, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ JESSICA A. MASSEY  
JESSICA A. MASSEY  
Assistant United States Attorney

Dated: February 1, 2023

/s/ JOSEPH BENINCASA  
JOSEPH BENINCASA  
Counsel for Defendant  
LUIS NOE HERNANDEZ ROJO

**ORDER**

IT IS SO ORDERED.

DATED: 2/6/2023

Sheila K. Oberto  
Hon. Sheila K. Oberto  
U.S. Magistrate Judge